Select Standing Committee on Children and Youth

Annual Report 2009-10

LEGISLATIVE ASSEMBLY
PROVINCE OF BRITISH COLUMBIA

NOVEMBER 2010

November 3, 2010

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Annual Report 2009-10 of the Select Standing Committee on Children and Youth.

The Report covers the work of this Committee from September 24, 2009 to October 25, 2010.

Respectfully submitted,

Joan McIntyre.

Joan McIntyre, MLA
Chair

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Composition of the Committee

Members

Joan McIntyre, MLA	Chair	West Vancouver-Sea to Sky
Maurine Karagianis, MLA	Deputy Chair	Esquimalt-Royal Roads
Stephanie Cadieux, MLA		Surrey-Panorama
Marc Dalton, MLA		Maple Ridge-Mission
Mable Elmore, MLA		Vancouver-Kensington
Douglas Horne, MLA		Coquitlam-Burke Mountain
Leonard Krog, MLA		Nanaimo
John Rustad, MLA		Nechako Lakes
Nicholas Simons, MLA		Powell River-Sunshine Coast
Jane Thornthwaite, MLA		North Vancouver-Seymour

Clerk to the Committee

Kate Ryan-Lloyd, Clerk Assistant and Acting Clerk of Committees

Research Staff

Josie Schofield, Manager, Committee Research Services

Byron Plant, Committee Researcher

Jonathan Fershau, Committee Research Analyst (to February 2010)

Terms of Reference

On February 10, 2010, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be appointed to be empowered to foster greater awareness and understanding among legislators and the public of the BC child welfare system, and in particular to:

1. Be the committee that receives and reviews the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child; and
4. Receive and consider all reports and plans delivered by the Representative to the Speaker of the Legislative Assembly of British Columbia.

In addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered:

a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;

b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;

c) to adjourn from place to place as may be convenient; and

d) to retain personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

The Work of the Committee

This report covers the activities of the all-party Select Standing Committee on Children and Youth (the Committee) during the first and second sessions of the 39th Parliament (September 24, 2009 – October 25, 2010). At the start of each session, Joan McIntyre was elected Chair and Maurine Karagianis as Deputy Chair. The Chair and Deputy Chair also serve on the Subcommittee on Agenda and Procedure and the Subcommittee on Child Deaths.

Schedule of Meetings

First Session:

September 24, 2009	Organizational meeting
November 17, 2009	Orientation briefings Review of Representative for Children and Youth's annual report and service plan Child death and critical injury referrals
January 27, 2010	Consideration of the Representative's reports

Second Session:

February 11, 2010	Organizational meeting
March 3, 2010	Government response to the Representative's reports
May 21, 2010	Child poverty meeting, Vancouver
June 2, 2010	Round table discussion and consideration of Representative's report
October 25, 2010	Deliberations and adoption of Annual Report 2009-10

Copies of Representative for Children and Youth reports are available at:
www.rcybc.ca/Content/Publications/Reports.asp

Minutes, transcripts and reports of the Select Standing Committee on Children and Youth are available on the Legislative Assembly's website at: www.leg.bc.ca/cmt.

Orientation Seminar for Committee Members

In the first session of the 39th Parliament, several new Members were appointed to the Select Standing Committee on Children and Youth. Accordingly, on November 17, 2009, a portion of the meeting was dedicated to an orientation to the work of the Committee and the Office of the Representative for Children and Youth.

Briefing: Work of the Committee

The Committee Clerk provided a brief overview of the origins of the Committee, noting how its creation and status as a committee of the House was recommended by the Hon. Ted Hughes in his April 2006 report on the provincial child welfare system. Following the Hughes report, the province's first Representative for Children and Youth, Mary Ellen Turpel-Lafond, was appointed by the Legislative Assembly in November 2006.

The Committee Clerk noted how the Hughes report stressed that the relationship between the Representative and the Committee should be a collaborative one, and that the role of the Committee would be to help foster a greater understanding of the child welfare system amongst elected officials, legislators, and the public. The Committee was seen as providing a constructive forum for the government and the opposition to work cooperatively together to address challenges in the child welfare system.

Documents were then distributed to Members describing the responsibilities and powers of the Committee, including its substantive powers to invite witnesses to the table and to summon evidence to support Members in their parliamentary duties. Copies of the *Representative for Children and Youth Act* outlining the statutory responsibilities of the Committee, along with the terms of reference from the Legislative Assembly describing the core responsibilities of the Committee, were also given to Members. These responsibilities include: reviewing and receiving the Representative for Children and Youth's three-year service plans; referring child deaths and critical injuries to the Representative for investigation; and providing a public forum to review the reports prepared by the Representative that are tabled by the Speaker.

Lastly, the Committee Clerk noted that the Committee may make recommendations if it so wishes, for the House to request any kind of action on behalf of government as a result of the deliberations. Members were also informed that officials from the Ministry of Children and Family Development regularly appear before the Committee and may respond to questions from Members and provide updates as appropriate.

Briefing: Work of the Representative for Children and Youth

The Representative for Children and Youth (the Representative) began her briefing by outlining the reports that have been tabled with the Speaker since November, 2008. These include:

- *2008 Progress Report on the Implementation of Recommendations of the BC Children and Youth Review.*
- *Kids, Crime and Care – Health and Well-being of Children in Care: Youth Justice Experiences and Outcomes,* a review of the youth criminal justice system in British Columbia done in partnership with Dr. Perry Kendall, the Provincial Health Officer.
- *Housing, Help and Hope: A Better Path for Struggling Families*, an investigation into the critical injury of a First Nations child.
- *Honouring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence,* a report into a family's experience with domestic violence.
- *Annual Report 2008/09,* Office of the Representative for Children and Youth.
- *Service Plan 2010/11 to 2012/13*, Office of the Representative for Children and Youth.

The Representative also outlined the functions and upcoming work of her office. She told the Committee that her outlook is directed towards evidence-based approaches, performance management, identification and measurement of outcomes, and demonstrating progress.

Finally, the Representative spoke about her role as an advocate for children and youth in British Columbia and called on the Committee to take up the issue of child poverty. She noted that child povery is in every constituency in B.C. and that children in poverty are not achieving the outcomes in education, health, and well-being that they need to achieve. She added that there is a valuable opportunity for committee members to receive a full briefing on the issue.

Representative for Children and Youth, *Annual Report 2008/09; Service Plan 2010/11 to 2012/13*

The Representative appeared before the Committee on November 17, 2009 and reviewed the past work undertaken by her office, as presented in the *Annual Report 2008/09*. In accordance with the Committee's terms of reference, the Representative also presented the office's future goals, objectives, and performance measures, as outlined in the *Service Plan 2010/11 to 2012/13*.

Summary of *Annual Report 2008/09*

The Representative emphasized the advocacy functions of her office in the presentation on the *Annual Report 2008/09*, noting that, as of March 31, 2009, her office had opened a total of 2,757 advocacy files. During the 2008/09 fiscal year, 1,564 new advocacy cases were taken on. This represented a 31 percent increase from the previous fiscal year, and an average of 130 new cases opened per month.

The Representative reported that three common themes had emerged out of these advocacy files: first, children and youth did not feel protected or safe; second, they did not feel that their right to participate in decisions about them was being respected; and third, children and youth felt that important people in their lives were not engaged or communicating with them.

The Representative's presentation on the annual report also noted the first-ever Child and Youth Summit in B.C. held in October 2008, as well as progress on the Children's Forum, a group that meets quarterly to look at themes, cases, and concerns around children. Chaired by the Representative, the Children's Forum consists of the Chief Coroner, the Ombudsperson, the Public Guardian and Trustee, the Provincial Health Officer, and senior leaders from the Ministry of Children and Family Development (MCFD) and the Representative's office.

The Representative discussed the opportunity for a future briefing to the Committee on the 3,000-plus advocacy cases the office has tracked, including successes and what happens to children when their advocacy cases are not resolved.

Summary of *Service Plan 2010/11 to 2012/13*

The Representative noted that, in accordance with the *Representative for Children and Youth Act*, the Committee reviews, but is not required to approve, the service plans. The Representative then went on to discuss parts of the 2010/11 to 2012/13 service plan, including challenges and opportunities, goals and performance measures, and resources for reviews of child deaths and critical injuries.

Challenges and Opportunities

The service plan identifies ten "Challenges and Opportunities" with respect to children and youth. The Representative noted that B.C. has a significant population of vulnerable children, including higher rates of vulnerability among Aboriginal children and children in out-of-care placements. When commenting on monitoring and evaluating the progress of MCFD, she also stated that "an ongoing challenge in British Columbia is to see change in the Ministry of Children and Families that can actually be demonstrated to be making a difference as opposed to simply planning to make the difference … in the lives of the most vulnerable at-risk children."

Goals and Performance Measures

Next, the Representative reviewed the four main goals of her office:

1. Advocacy supports vulnerable children in having their rights and interests protected and upheld, their voices heard and considered and being active participants in decisions affecting them.
2. The identification of opportunities for strengthening the child- and youth-serving system improves outcomes for vulnerable children and youth and the quality of services provided to them.
3. The examination of critical injuries and deaths contributes to ensuring that children and youth are safe from violence, abuse and neglect and exposure to violence.
4. The office delivers its mandate in a child-centred, objective, open, collaborative and accountable way.

The Representative referenced that several of the performance measures lacked clear, measurable targets to assess whether goals were being met or exceeded. While quantitative measures can be used for the delivery of advocacy services (Goal 1), other areas rely on qualitative measures such as "informing and engaging stakeholders" (Goals 2 and 3), and "undertaking a study of advocacy programs" for Goal 4. The Representative then suggested that in many instances, performance measures are not appropriate for an oversight body. Her office will continue to identify major issues affecting vulnerable and at-risk children.

Resources for Reviews of Child Deaths and Critical Injuries

The Representative indicated that she had concerns whether the current allocation of resources would enable the office to continue to complete child death reviews, given the volume and complexity of referrals. The Representative expected to receive "two or three" reviews per year; however, the actual number has been "significantly higher" than projected. Another concern expressed was the time it takes to bring cases forward, including coordinating and debriefing senior multidisciplinary teams of frontline professionals.

Committee Inquiry

The Committee identified three key themes for review: discussions on the office's advocacy work; the relationship between the service plan and the Representative's budget request; and the use of qualitative performance measures. Committee members also asked about the Representative's comments on the reporting requirements of MCFD and some of the issues affecting Aboriginal children.

Advocacy Work

Noting that in fiscal 2008/09, the office reported on 1,534 advocacy cases, Members asked the Representative to provide an overview of the proportion of the budget devoted to advocacy work; to explain how the 31 percent increase in cases has been managed within the existing funding; and to review how the office handles out-of-mandate cases.

With respect to the cost, the Deputy Representative indicated that there are "about ten" full-time-equivalent (FTE) positions allocated to advocacy work, plus additional support staff. He estimated that advocacy work consumed between $1 million to $2 million of the total budget.

Concerning the allocation of staff resources to meet increased caseloads, the Representative responded that the office now has a full complement of 44 FTEs. The Representative then stated that the "budget is always a concern" given the potential for an unanticipated increase in advocacy calls. However, the office does have to ability to request to appear before the Finance and Government Services Committee for additional resources, if required.

On the increase in advocacy calls in fiscal 2008/09, the Representative responded that the growth in calls may be attributed to a greater awareness of this service amongst the public. It was also noted that recent changes in government policies concerning resources available to special-needs youth transitioning out of care, may have also contributed to the increase.

On the subject of out-of-mandate calls, the Representative indicated that these calls follow two general patterns. First, youth may call the office looking for an advocate in family court proceedings – primarily someone to represent their interests in divorce proceedings. In these cases, staff will talk with the youth and refer them to the child protection helpline, if required. Second, the office fields calls from children and youth living in households with domestic violence. In those cases, the office will refer the cases to MCFD for follow-up. The Representative expressed concern that in both instances, it is currently unclear as to what happens to the children who are unable to obtain appropriate legal representation in family court or domestic violence situations.

Budget Implications

Given the emphasis placed on advocacy cases, coupled with budgetary pressures, committee members asked the Representative whether the office's resources could be better distributed to ensure that investigations are sufficiently funded. In response, the Representative reported that she had shut down a satellite office and reduced executive staff in order to meet increased demand in the areas of advocacy and child death and critical injury reviews.

The Representative also informed the Committee that the office is required to undertake advocacy work in regard to the provision of designated services. Accordingly, if the office were unable to undertake all parts of its mandate, the Representative would inform the Committee on Children and Youth, and also approach the Finance and Government Services Committee seeking additional resources.

Performance Measures

After noting that the annual report was critical of MCFD's "surprisingly limited oversight capacity," some Members asked the Representative whether limited resources should be spent on performance reporting by the ministry rather than on the delivery of child protection services. In response, the Representative stated that in an economic downturn, monitoring performance and evaluating whether or not the system is serving children effectively with good results is probably more important than ever. She also stressed that the Hughes Report clearly stated that government must speak with greater confidence about the outcomes it is achieving for children. The Representative stated that MCFD should have greater monitoring capacity and stronger performance measures to determine whether the delivery of services for children is both effective and cost-efficient.

Other committee members expressed concern about the office's reliance on qualitative rather than quantitative performance measures. In particular, the Chair sought clarification on why the office chose performance measures such as informing stakeholders and engaging them to work to make improvements to reviewable services, rather than performance measures that would indicate the number of advocacy cases actually resolved. In response, the Representative stated that there cannot be such types of performance measures as an oversight office does not have any control over the delivery of services. She added that the existing performance measure is important as it makes sure that the office works with both government and non-governmental agencies.

Committee Decision (November 17, 2009)

1. The Committee received the Representative for Children and Youth's *Annual Report 2008/09* and the Office of the Representative's *Service Plan 2010/11 – 2012/13.*

Child Death and Critical Injury Referrals

The Committee convened on November 17, 2009 to discuss the referral of five cases of child deaths and one case of critical injury to the Representative. After review, the Committee concurred with the Representative' initial case assessments and passed a motion referring the cases to the Representative for future review.

Committee Decision (November 17, 2009)

- **Resolved,** that pursuant to the Committee's terms of reference, the following cases be referred to the Representative for Children and Youth for review and/or investigation: the death of C.A.; the critical injury of A.O.; the deaths of three children referred to as E.C.; and the death of A.T.

Reports Reviewed

On January 27, 2010, the Committee met with the Representative to review two reports: *Kids, Crime and Care – Health and Well-being of Children in Care: Youth Justice Experiences and Outcomes* and *Housing, Help and Hope: A Better Path for Struggling Families.* Also in attendance were Jeremy Berland, Deputy Representative and John Greschner, Chief Investigator and Associate Deputy Representative for Children and Youth.

On June 2, the Committee met and heard the Representative present on a third report, *Honouring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence.* At that meeting, the Representative was joined by Mr. Berland and Mr. Greschner, and also Cory Heavener, Director, Critical Injury and Death Reviews and Investigations.

The government's responses to the first two reports were presented on March 3, 2010 by Mark Sieben, Chief Operating Officer, Ministry of Children and Family Development (MCFD). Also present were: Ian Markwart, Senior Executive Director, MCFD and Rod Allen, Superintendent of Achievement, Ministry of Education to discuss *Kids, Crime and Care.* Two senior MCFD officials, Sandra Griffin, Assistant Deputy Minister (ADM), Integrated Quality Assurance Team and Rob Parenteau, Director of Operations, Aboriginal Services Branch, were in attendance to discuss *Housing, Help and Hope.*

At the June 2 meeting, the Representative tabled an update document from the Deputy Solicitor General containing the integrated government response to the *Honouring Christian Lee* report recommendations. The Representative suggested that the Committee meet again to further discuss the topic of domestic violence.

Joint Special Report, *Kids, Crime and Care - Health and Well-Being of Children in Care: Youth Justice Experiences and Outcomes*

Representative's Presentation (January 27, 2010)

Prepared by the Office of the Representative for Children and Youth and the Office of the Provincial Health Officer, *Kids, Crime and Care* is the third cohort study of vulnerable children and youth in B.C. This report provides an extensive review of the outcomes of children and youth, born in 1986, who have become involved in the youth justice system.

While recognizing that B.C.'s youth crime rate declined by 54 percent between 1991 and 2007, the authors present information illustrating the difficulties faced by vulnerable children and youth once they become involved with the youth justice system. The report notes the challenges faced by Aboriginal children in care; identifies that youth in care are more likely to become involved with the youth justice system; and that educational outcomes are greatly diminished once a youth in care has entered the youth justice system.

The *Joint Special Report* contains seven recommendations to improve coordination, focus, and accountability to enhance the health and educational outcomes of vulnerable children at risk of involvement in the youth justice system. These recommendations are:

1. That whenever a child or youth in care or in the Child-in-Home-of-a-Relative (CIHR) program has more than three changes in placement outside of the parental home within one 12-month period, a report is made to the Regional Director of Integrated Practice;
2. That MCFD revise existing policies and practices to ensure that specialized training, appropriate supports and resources are available to foster parents and adoptive parents, to support and care for children with mental health and behavioural issues;
3. That upon each new occurrence of a youth in care having involvement with the youth justice system, including police, the youth's plan of care be reviewed within 30 days with youth justice professionals and service providers, and modified as required to address the criminal behavior;
4. That the Ministries of Attorney General and Public Safety and Solicitor General examine policies and practices to ensure that youth in care are not being charged in situations where adolescents living with their families would not be charged;
5. That every school in British Columbia assign a single staff person to oversee education planning, monitoring and attainments of the children in care that attend their school. This function should be in place and functioning by September 2009;
6. That MCFD publicly commits to ensuring that youth justice continues to have provincial leadership with executive representation by an Assistant Deputy Minister.
7. That the social policy ministries of government (Education, Health, MCFD, Housing and Social Development, Healthy Living, Attorney General, Public Safety and Solicitor General) produce a cross-Ministry plan that identifies an interlocking network of services to support and assist children, youth and families through the developmental stages (from prenatal to adulthood).

Members' Questions

Following the Representative's presentation, committee members asked for additional information on the following topics: the responsiveness of the MCFD to the report's recommendations; the level of educational achievement of children and youth in the CIHR program; the relationship between mental illness and the extent of involvement in the youth justice system; the scope of the Representative's investigative powers; and the availability of programs and services to parents of children with special needs. Some Members also asked the Representative to identify specific priorities for action in light of budgetary pressures, and to suggest alternatives to the youth justice system for offenders.

Government Response (March 3, 2010)

The Senior Executive Director of MCFD began the government's presentation to the Committee by highlighting the positive trends in youth crime. He reported that British Columbia has gone from having one of the highest to the second-lowest crime rate in the country, and that the province has

seen a 45 percent decrease in the violent youth crime rate from its peak in 1983 to 2008. He added that B.C.'s trends are much more positive than the national trend. He recognized that, notwithstanding that progress, there are still some very vulnerable kids.

In response to the first recommendation of *Kids, Crime and Care*, the Senior Executive Director advised the Committee that MCFD agrees with the spirit of this recommendation and has already begun tracking the number of placement moves of children in out-of-home living arrangements. However, as aggregate data on the number of moves of children-in-care are readily available to regional executive directors of practice, the MCFD does not agree that it is necessary to have reports submitted on a case-specific basis.

To address Recommendation No. 2, the Senior Executive Director informed the Committee that a residential redesign project will begin in April in partnership with the Federation of Community Social Services of B.C. The first phase of this project will be consultation with foster parent groups to create a plan for better supports and training for foster parents.

The Committee learned that the Ministry also agrees in principle with the third recommendation. However, the Senior Executive Director stated that the approach should not focus solely on youth justice involvement but also should take into account other adverse circumstances, such as if a child is expelled from school or if drug abuse is suspected. Currently the standards require review of a plan every 90 days and more frequently if needed; conducting such reviews is therefore a matter of good practice. He added that the ministry is going to do a sample audit of some concurrent youth justice and children-in-care cases to satisfy themselves that these reviews are in fact ongoing and that consultation and joint planning are occurring between the social worker and youth probation officer.

On recommendation No. 4, the Senior Executive Director noted that it concerns the Ministries of Attorney General and Public Safety and Solicitor General. The criminal justice branch of the Ministry of Attorney General, he added, presented a written response to this recommendation in the fall.

The Superintendent of Achievement reported on Recommendation No. 5. He informed the Committee that the Ministry of Education has taken this recommendation seriously and has now established a single staff member in each school of all 60 school districts. While the recommendation suggests that Boards of Education publish reports on compliance by December 15, 2009, the Superintendent advised the Committee that, after discussions with the Representative, this date was changed to the end of January 2010 in order to include the information on reports the Boards were already submitting to the Ministry.

Next, the Committee learned that while the Ministry cannot commit to ADM-level representation for youth justice as called for in Recommendation No. 6, the position of Senior Executive Director covers that program area, with representation on the ministry leadership team and the criminal justice executive committee. Finally, in response to Recommendation No. 7, the Senior Executive Director noted that the Ministry is leading the development of a cross-ministry integrated framework for children and youth.

Members' Questions

Committee members asked for additional information on the progress made by the Ministry of Education on Recommendation No. 5. Other questions related to restorative justice programs, the reasons for the decrease in the rate of Aboriginal youth in custody, and the factors that have contributed to the reduction in crime generally.

Representative for Children and Youth, *Housing, Help and Hope: A Better Path for Struggling Families*

Representative's Presentation (January 27, 2010)

Housing, Help and Hope is the Representative for Children and Youth's report into the critical injury of an Aboriginal child in 2006. This case was referred to the Representative by the Committee for review in June 2007.

The report traces the interactions the child's family had with the child protection system during a five-month period from July to December 2006. Its six findings illustrate how the child welfare system did not meet the needs of this particular child – in particular, how the supports, services, and investigative processes were not up to standard and how care planning was inadequate for the child.

The report contains the following five recommendations:

1. (a) That MCFD and MHSD work collaboratively to develop a proactive process and explicit policy for front-line staff serving families whose children are at risk of being removed by MCFD due to housing-related issues. The intent should be to avoid such removals whenever possible.

   (b) That the Government of British Columbia engage the Federal Government and First Nations leadership and communities to develop a plan to reduce Aboriginal child and family poverty in B.C. This plan must include concrete measures and policies, and provide for resources and monitoring of progress.

2. That MCFD work in consultation with the delegated Aboriginal Agency, the child's First Nation, and Indian and Northern Affairs Canada, to ensure that Sections 3(b) and 71 of the *Child, Family and Community Service Act* are fully realized, and that the purpose and intent of the Delegation Confirmation Agreement are fulfilled.

   This will require clarifying the nature and extent of consultation and participation expected of each party in child welfare matters, and amending Delegation Confirmation Agreements to reflect this understanding.

3. (a) That MCFD, working with the delegated Agencies and partners in Aboriginal child welfare, including the Federation of Aboriginal Foster Parents, develop and implement an aggressive strategy throughout the province to recruit, assess, qualify, retain and monitor Aboriginal foster homes.

   (b) That MCFD, starting with this region as a model and eventually province-wide, develop a routine mechanism for tracking and reporting on efforts to find Aboriginal placements for each

Aboriginal child that comes into care. Such recording and reporting is necessary to be able to demonstrate improvement over time.

Members' Questions

Following the Representative's presentation, committee members focused on issues relating to the coordination of services and resources between the Ministry of Children and Family Development, Ministry of Housing and Social Development, delegated agencies, and other organizations involved with providing services to families in crisis. Other questions related to the availability of Aboriginal foster homes in a planning area and the availability of emergency resources to assist vulnerable families.

Government Response (March 3, 2010)

The Chief Operating Officer of MCFD reported that, in response to Recommendation No. 1(a), a process for information-sharing has been developed within the Ministry. This policy change was reviewed with the directors of executive practice to make sure it was understood and passed on to staff.

In response to Recommendation No. 1(b), the Chief Operating Officer stated that the province has approached the federal government regarding a more flexible funding formula for on-reserve child welfare funding. However, he noted that, "it takes two – and in this case, probably three, at least – to tango, and at least one of those parties is missing from the dance floor on this occasion."

The Director of Operations for Aboriginal Policy and Support reported on Recommendation No. 2. Noting that the Ministry has responsibility to negotiate delegation agreements with the Aboriginal agencies to provide services, the Director outlined joint measures undertaken to clarify language in the agreements and provide training to Ministry and agency staff to facilitate negotiations. He also noted the existence of a protocol, signed in February, which further clarifies how parties interact once a delegation agreement is in place.

Turning to Recommendation No. 3(a), the Director noted that, with transfers of responsibility to the delegated agencies, there has been a huge increase and success in the placement of Aboriginal children in Aboriginal foster homes. He further added that the Ministry currently has an arrangement with the Federation of Aboriginal Foster Parents to do research on and development of Aboriginal-specific caregiver education and training, and to determine what needs to be incorporated into the curriculum to ensure all foster parents with Aboriginal children in their homes are really supported.

Recommendation No. 3(b) was addressed by the ADM with the Integrated Quality Assurance Team. She advised the Committee that the Ministry tracks the number of Aboriginal children who are placed in Aboriginal homes and is currently working with 54 separate legacy systems, many of which do not speak to one another. She added that the Ministry is moving to more enhanced reporting to address this recommendation.

Members' Questions

The Chair voiced concerns that the federal government seemed reluctant to meet with the Ministers of Children and Family Development and Aboriginal Relations and Reconciliation, and asked the witnesses if that were the case. Other Members had questions about the recruitment of foster parents, particularly Aboriginal foster parents.

Representative for Children and Youth, *Honouring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence*

Representative's Presentation (June 2, 2010)

On June 2, the Representative for Children and Youth presented the report *Honouring Christian Lee*, the Representative's investigation into the murder/suicide of a child and four family members in Oak Bay on September 4, 2007. The report examines events leading up to the deaths and the system of support and services available to the child and his family.

The Representative's presentation stressed the important and broad issue of domestic violence before moving into an examination of how this family was affected by three complex and intersecting systems – the criminal justice system, the family justice system, and the Ministry of Children and Family Development. These systems, the Representative noted, often lacked coordination in their interactions with the family, and, despite warning signs, were not able to prevent the tragedy from occurring.

The Representative's presentation concluded with a brief discussion of the report recommendations and the government's response. The Representative proposed a follow-up meeting with the Committee for further discussion on the government's response and the recommendations contained in the report. These recommendations are:

1. (a) That MCFD propose required changes to legislation, and develop policies, standards and training to provide social workers with clear direction in assessing the safety of children who are exposed to domestic violence.

   (b) That MCFD develop and implement a strategy to screen child protection reports for domestic violence issues.

   (c) That MCFD record and track child protection reports with domestic violence issues in order to evaluate effectiveness of safety planning and protection of children over time.

2. That the Ministry of Public Safety and Solicitor General take the lead in a special initiative that focuses on the issue of safety of children and youth in domestic violence situations, by ensuring a coordinated, effective and responsive system in Greater Victoria and throughout British Columbia.

3. That the Ministry of Attorney General undertake a review and enact necessary changes to improve the administration of justice in criminal matters involving domestic violence, including establishment of domestic violence courts, to better protect the safety of children and their mothers.

4. That the Ministry of Attorney General undertake a review and enact necessary changes to improve administration of justice in family law matters in domestic violence cases, to better protect the safety of children and their mothers, and to ensure that the perspective of the child is considered.

5. That MCFD strengthen services to immigrant women in circumstances of domestic violence.

Members' Questions

Following the presentation, Members asked questions on the following topics: coordinating responses from agencies; privacy issues; the pace of responses to the case; police training and social work; stopping domestic violence and minimizing risks to children; and research and best practices.

Child Poverty Meetings

Background

The impact of child poverty has been a recurring theme in recent reports undertaken by the Representative for Children and Youth.[1] At the meeting on January 27, 2010, the Representative asked committee members to consider striking a subcommittee on child poverty, preparing a discussion paper, and holding stakeholder consultations. In response, the Chair and Deputy Chair agreed to consider whether these requests fell within the scope of the Committee's terms of reference and to report back to the entire Committee.

On March 3, 2010, the Chair provided an update to the Committee on proposed follow-up action in regard to the topic of child poverty. She explained that while the Committee had no explicit mandate to initiate an inquiry into this matter, the terms of reference include the provision to "foster greater awareness and understanding among legislators and the public of the BC child welfare system." Since this provision provided the opportunity to explore the prevalence of poverty within the child welfare system, the Chair and Deputy Chair proposed to arrange a meeting of expert briefings on this important and multifaceted issue. In preparation for the briefings, a reading list of sources on child poverty was also assembled and circulated (see Appendix A).

Expert Briefings, Vancouver (May 21, 2010)

The Committee held a public meeting at the Morris J. Wosk Centre for Dialogue in Vancouver on May 21, 2010 to hear from individuals and organizations with expertise on the topic of child poverty. The meeting consisted of seven presentations, each followed by a period for Members' questions.

The briefings were given, in order of appearance, by:

1. Dr. Evan Adams, Aboriginal Health Physician Advisor, Ministry of Healthy Living and Sport.
2. Julie Norton, Steve Kerstetter, and Dr. John Millar, First Call: BC Child and Youth Advocacy Coalition.
3. Dr. Paul Kershaw, Assistant Professor, College of Interdisciplinary Studies and the Human Early Learning Partnership, University of British Columbia.
4. Seth Klein, Director, BC Office, Canadian Centre for Policy Alternatives.
5. Mary Collins, Barbara Kaminsky, and Noelle Virtue, BC Healthy Living Alliance.

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[1] See Representative for Children and Youth, *Housing, Help and Hope: A Better Path for Struggling Families* (July, 2009); Representative for Children and Youth, *Kids, Crime and Care: Health and Well-Being of Children in Care: Youth Justice Experiences and Outcomes* (February 23, 2009); Representative for Children and Youth, *Amanda, Savannah, Rowen and Serena: From Loss to Learning* (April 2008).

6. Dr. Michael J. Prince, Lansdowne Professor of Social Policy, University of Victoria.

7. Dr. Carol Matusicky, Director, Burnaby Family Life.

Each presenter received the following questions ahead of time to guide the discussion:

- What are the systemic causes of persistent low-incomes, and how do they affect families in British Columbia from one generation to the next – both Aboriginal and non-Aboriginal?
- Are existing methods of measurement accurate, suitable and relevant to British Columbia?
- Which reduction strategies appear to be successful (or unsuccessful) in other jurisdictions and how can we best measure that success?

Presentation 1: Dr. Evan Adams, Aboriginal Health Physician Advisor, Ministry of Healthy Living and Sport

Dr. Adams' presentation noted how Aboriginal people face unique challenges and are at the bottom of nearly every index measuring socio-economic well-being in Canada. Aboriginal people, he reported, have more poverty and suicides, and lower rates of total income distribution, labour force participation, and graduation than non-Aboriginals. Dr. Adams attributed low Aboriginal health and well-being to social determinants of health including: poverty; education; housing; self-determination; culture; land, environment, and environmental stewardship; gender; and family and child welfare.

The presentation noted how Aboriginal communities are distinct, by their status as founding nations as well as in the physical location of ghettos or reservations. Reservation lands are held by the federal government, Dr. Adams stated, and this poses a challenge to economic development as First Nations have no bankable land title.

Dr. Adams' recommendations for the consideration of the Committee included pleas for government to: commit to greater Aboriginal self-determination; make economic development a priority; create more employment and educational opportunities; use best practices; improve housing and the physical environment of Aboriginal population; work on Aboriginal health plans for health authorities; recommit to achieving stated goals; make HIV/AIDS a priority; and create a provincial Aboriginal mental health and wellness plan. Dr. Adams noted that general measures to remedy poverty are important but taking measures for at-risk populations are going to have better effect.

Members' Questions

Following Dr. Adams's presentation, committee members discussed some of the unique and systemic challenges facing Aboriginal people, such as the impact of the *Indian Act*. Members posed questions about the jurisdictional issues between the federal and provincial governments, supports for young Aboriginal mothers, and the desirability of independent Aboriginal schools versus fully integrated schools.

Presentation 2: Julie Norton, Steve Kerstetter, and Dr. John Millar, First Call: BC Child and Youth Advocacy Coalition

This presentation pointed out the high incidence of poverty in British Columbia and how poverty is a root cause of ill-health, leading to high health care costs and a decline in human capital. Representatives for this advocacy coalition stressed the need for a poverty reduction plan with targets, outcomes, and reporting features. As part of this plan, the presenters advocated increases to welfare rates and the minimum wage, as well as the institution of a living wage indexed to the cost of living. Other proposals included an expansion of existing programs, including the B.C. tax reduction program and the B.C. rental assistance program.

Presenters for First Call also discussed how other provinces have instituted poverty-reduction plans with substantial funding and an accountability measure, often led by a minister. The presentation noted how those provinces with poverty reduction strategies—notably Québec and Newfoundland—have had the quickest decline in poverty.

Members' Questions

Committee members asked questions after the presentation on the following topics: successful poverty reduction strategies used elsewhere; measures to address Aboriginal poverty; allocating resources for a new strategy; the impact of the dependency mindset; and poverty and immigrant communities.

Presentation 3: Dr. Paul Kershaw, Assistant Professor, College of Interdisciplinary Studies and the Human Early Learning Partnership, University of British Columbia

Dr. Kershaw's presentation framed early child vulnerability as a cause of child poverty in British Columbia, with a high incidence among the more populous middle-income and upper-income households in the province. To address this, Dr. Kershaw called for smarter family policies and measures to reduce early child vulnerability. These include family policies that support adults (both men and women equally) and that synchronize caregiving and earning, and enabling conditions that allow the majority of British Columbians to have a strong attachment to the labour market.

Dr. Kershaw cited the countries of Denmark, Sweden, and Finland as having about a quarter of the poverty of that in Canada. He also noted how family policy rankings acknowledged by UNICEF and the OECD put countries like Sweden, Finland, and Norway at the top and Canada at the bottom.

Members' Questions

Following the presentation, committee members inquired about how to finance new family policies, improve social capital, and boost the productivity measure. Members also discussed how early learning and care might contribute to a sustainable green sector economy and how to garner business and community support for better family policies.

Presentation 4: Seth Klein, Director, BC Office, Canadian Centre for Policy Alternatives

Mr. Klein's presentation to the Committee noted how B.C. has the highest overall poverty rate and the highest child poverty rate in the country by any measure—whether the before-tax Low-Income Cut-Offs (LICOs) after-tax LICOs, or the Market Basket Measure. To address child poverty in the province, he called for the establishment of a poverty reduction plan with targets, enshrined in legislation and led by a minister. This plan would institute a living wage designed to meet the actual costs of living and raising children in B.C. Other aspects of the CCPA's proposed plan included higher child tax benefits, more affordable housing, cheaper public transit, and publicly-funded child care.

Mr. Klein also discussed the implementation of poverty reduction plans in six other provinces. He noted that Newfoundland has an instructive plan that deals with the depth and duration of poverty, Ontario and New Brunswick have poverty reduction plans with poverty reduction targets in legislation, and Québec has an act that applies a policy lens where any new policy has to demonstrate that it is doing no harm to the bottom quintile.

Members' Questions

Follow-up discussion with committee members included questions about the impact of previous policies, how to address the poverty gap, steps to fund and implement a poverty reduction plan, and the importance of dealing with marginal effective tax rates.

Presentation 5: Mary Collins, Barbara Kaminsky, and Noelle Virtue, BC Healthy Living Alliance

This presentation by representatives of the BC Healthy Living Alliance described the social determinants of health as impacting whether an individual is able to enjoy a long and healthy life. These include access to income, affordable housing, healthy food, education, early child development, and recreational opportunities. The presenters noted how social determinants of health are responsible for almost half of the variation in health outcomes which exist in our society and therefore act as a significant driver in health care costs.

This presentation stressed the need for an overall strategy and plan with specific goals and timelines. The presenters called for a comprehensive approach across the lifespan of prevention, promotion, and early intervention, and the development of a provincewide, seamless continuum of care through cross-ministry integration. Other proposed items included measures to improve affordability and access to healthy fresh food; a comprehensive affordable housing and supportive housing plan; a mental health care plan; a tax on sugar-sweetened beverages; adjustment of income assistance support rates to account for the actual cost of fresh and healthy food; and tax incentives to encourage local agricultural production.

Discussing poverty reduction plans in other jurisdictions, the presenters noted steps being undertaken in the United Kingdom and Newfoundland. Since BC is a large area with unique issues, the presenters suggested that the province needs to develop a made-at-home strategy.

Members' Questions

Members posed questions to the presenters on a number of issues, including: strategies in use in other jurisdictions; ways to improve access to healthier non-junk-food in remote communities; the impact of better social determinants of health and preventative measures on seniors; the role of an early childhood and child care system in a comprehensive plan to reduce poverty; and options to fund new anti-poverty initiatives.

Presentation 6: Dr. Michael J. Prince, Lansdowne Professor of Social Policy, University of Victoria

In his presentation to the Committee, Dr. Prince described the causes of poverty as multiple, complicated, and interrelated. Rather than frame the issue around causes, he described child poverty as a product of different contexts of low-income. These include: housing and homelessness; education and literacy; the economy and labour force; public policies and services; federalism; societal values, beliefs, and attitudes; and legacies of colonialism.

The presentation discussed different measures of low-income and their limitations, including the Stats Canada tools (LICO) that Dr. Prince described as crude and trying to do too many things. He also noted that too much study is given to those who remain in poverty and not enough attention is given to those who got out of poverty and how.

Noting practices in other provinces, Dr. Prince called for B.C. to adopt use of a bundle of indicators to measure poverty and aspects particular to British Columbia. He noted how, for example, Newfoundland and Labrador has adapted housing and affordability indicators, while Ontario has bundled a series of education measures and called it a deprivation index.

Members' Questions

Members' questions focused on the following topics: immigrant poverty and people with disabilities; priority action to start a poverty reduction plan; the accuracy of income-based poverty measures; and how to break the cycle of dependency.

Presentation 7: Dr. Carol Matusicky, Director, Burnaby Family Life

Dr. Matusicky's presentation noted the high incidence of poverty among B.C. families and the need for a "made-in-B.C." poverty plan developed with collaboration between governments. The presentation described how most social issues and challenges are the result of a constellation of factors which require a constellation of responses. Dr. Matusicky defined the social determinants of health, as the underlying social and economic conditions in which children and families live and work that directly affect quality of health. Addressing these underlying conditions, she noted, particularly in the areas of income and early child development, is the most effective way to address the systemic causes of persistent low-incomes.

Dr. Matusicky also noted that poverty measures are less important than acknowledging larger trends such as the higher incidence of poverty among Aboriginal children, families led by lone-parent

mothers, and working poor families. She also reported that the results of poverty reduction strategies in other provinces are difficult to discern since most have been in place for only a few years. Dr. Matusicky described Ontario as a leader in measuring poverty (through its use of the early development instrument to measure school readiness; low income measures to measure the depth of poverty; and the Ontario housing measure).

Members' Questions

Members' follow-up questions focused on standardizing education indicators, immigrants and poverty, and race as a social determinant of health.

Members' Roundtable Discussion, Victoria (June 2, 2010)

Following the Vancouver meeting, the Committee met in Victoria on June 2 for a debriefing session. During the roundtable discussion, Members commented on the success of the May 21 briefings and discussed follow-up actions within the mandate of the Committee. This discussion concluded with the passage of a motion empowering the Chair and Deputy Chair to meet to consider further follow-up action and to report back.

Committee Decisions (June 2, 2010 and October 25, 2010)

- **Resolved,** that the Chair and Deputy Chair meet to review what we have heard, to review the mandate of the Committee, and to explore options for reporting to the Legislature. Further, that the Chair and Deputy Chair will report back to the full Committee at the earliest opportunity.

In Victoria on October 25, the Committee endorsed the recommendation of the Chair and Deputy Chair that an extended section on the poverty briefings be included in this Annual Report with the following statement:

- Given the recurring themes and recommendations from the expert submissions, the Committee is urging all Members of the Legislative Assembly to read all the related materials in this report in order to better understand the trends, and for the Legislature to give serious consideration to the suggestions contained.

Appendix A: Child Poverty Reading List

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http://www.campaign2000.ca/reportCards/national/2009EnglishC2000NationalReportCard.pdf

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Other Submissions to the Committee

B.C. Government and Service Employees' Union, Submission to the Select Standing Committee on Children and Youth, May 2010

First Nations Child and Family Wellness Council, Presentation to the Select Standing Committee on Children and Youth, May 21, 2010

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Appendix B: Documents Distributed

November 17, 2009

Office of the United Nations High Commissioner for Human Rights, *Convention on the Rights of the Child*

BC Children and Youth Review: An Independent Review of BC's Child Protection System (Hughes Report) (2006), (Chapter 2: A New Plan for External Oversight)

Representative for Children and Youth Act (SBC 2006, c. 29)

Representative for Children and Youth, *Annual Report April 1, 2008 to March 31, 2009*

Office of the Representative for Children and Youth, *Service Plan 2010/11 to 2012/13*

Office of the Representative for Children and Youth, List of reports delivered to the Speaker of the Legislative Assembly, November 26, 2008 to November 16, 2009

January 28, 2010

Representative for Children and Youth and the Office of the Provincial Health Officer, Joint Special Report, *Kids, Crime and Care – Health and Well-being of Children in Care: Youth Justice Experiences and Outcomes* (February 2009)

Representative for Children and Youth, *Housing, Help and Hope: A Better Path for Struggling Families* (July 2009)

March 3, 2010

Correspondence from Joan McIntyre, MLA, Chair, Select Standing Committee on Children and Youth and Maurine Karagianis, MLA, Deputy Chair to Honourable Mary Polak, Minister of Children and Family Development, February 8, 2010

Correspondence from Mary Polak, Minister to Joan McIntyre, MLA, Chair, Select Standing Committee on Children and Youth and Maurine Karagianis, MLA, Deputy Chair, February 16, 2010

Correspondence from Mary Ellen Turpel-Lafond, Representative for Children and Youth to Joan McIntyre, MLA, Chair, Select Standing Committee on Children and Youth and Maurine Karagianis, MLA, Deputy Chair, March 1, 2010

British Columbia, Ministry of Children and Family Development, Strong, Safe and Supported – Practice Change Products Map

British Columbia, Ministry of Children and Family Development, Aboriginal Service Delivery Change: A Conceptual Framework for Ministry Staff

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May 21, 2010

Presentation 1: Dr. Evan Adams, Aboriginal Health Physician Advisor, Ministry of Healthy Living and Sport

Dr. Evan Adams, Powerpoint presentation to the Select Standing Committee on Children and Youth

British Columbia, Ministry of Healthy Living and Sport, Office of the Provincial Health Officer, *Pathways to Health and Healing: 2nd Report on the Health and Well-Being of Aboriginal People in British Columbia, 2007* (Victoria, Ministry of Healthy Living and Sport, 2009) http://www.hls.gov.bc.ca/pho/pdf/abohlth11-var7.pdf

Presentation 2: Julie Norton, Steve Kerstetter, and Dr. John Millar, First Call: BC Child and Youth Advocacy Coalition

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Presentation 3: Dr. Paul Kershaw, Assistant Professor, College of Interdisciplinary Studies and the Human Early Learning Partnership, University of British Columbia

Dr. Paul Kershaw et al., *15 by 15: A Comprehensive Policy Framework for Early Human Capital Investment in BC* [executive summary] (Vancouver: A Report Prepared for the Business Council of British Columbia Opportunity 2020 Project, 2009)
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Dr. Paul Kershaw, Media clippings package

Presentation 4: Seth Klein, Director, BC Office, Canadian Centre for Policy Alternatives

Seth Klein, Presentation to the Select Standing Committee on Children and Youth

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Presentation 5: Mary Collins, Barbara Kaminsky, and Noelle Virtue, BC Healthy Living Alliance

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BC Healthy Living Alliance, *Healthy Futures for BC Families: Policy Recommendations for Improving the Health of British Columbians* (Vancouver: BC Healthy Living Alliance, 2009)
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Presentation 6: Dr. Michael J. Prince, Lansdowne Professor of Social Policy, University of Victoria

Dr. Michael J. Prince, Powerpoint Presentation to the Select Standing Committee on Children and Youth

Presentation 7: Dr. Carol Matusicky, Director, Burnaby Family Life

Dr. Carol Matusicky, Presentation to the Select Standing Committee on Children and Youth

June 2, 2010

Representative for Children and Youth, Copy of Supreme Court of British Columbia Reasons for Judgement, May 5, 2010

Representative for Children and Youth, *Honouring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence* (September 2009)

Representative for Children and Youth, Table of Agencies and Individuals Involved with Christian's Family

Representative for Children and Youth, Timeline of Significant Events

Letter from the Deputy Solicitor General to the Representative for Children and Youth, Re: *Honouring Christian Lee* report recommendations, May 12, 2010